

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 16, 2013

**SENATE BILL**

**No. 509**

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**Introduced by ~~Senator~~ *Senators DeSaulnier and Emerson***

February 21, 2013

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An act to add Section 1043 to the Government Code, relating to health care coverage, ~~making an appropriation therefor~~, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 509, as amended, DeSaulnier. California Health Benefit Exchange: background checks.

Under the federal Patient Protection and Affordable Care Act (PPACA), each state is required, by January 1, 2014, to establish an American Health Benefit Exchange that makes available qualified health plans to qualified individuals and small employers. Existing state law establishes the California Health Benefit Exchange (Exchange) within state government, specifies the powers and duties of the executive board governing the Exchange, and requires the board to facilitate the purchase of qualified health plans through the Exchange by qualified individuals and small employers by January 1, 2014. Existing law creates the California Health Trust Fund as a continuously appropriated fund for the administrative and operational expenses of the Exchange.

This bill would authorize the board to require, and to submit to the Department of Justice, fingerprint images and related information of employees, prospective employees, contractors, subcontractors, volunteers, or vendors for the purposes of obtaining prescribed criminal history information. The bill would require the department to forward to the Federal Bureau of Investigation (FBI) requests for federal



summary criminal history information, and would require the department to review the information returned from the FBI and compile and disseminate a response to the board. The bill would require the department to charge a fee sufficient to cover the costs of processing requests pursuant to the bill. ~~The bill, by expanding the purposes for which the moneys in the fund would be spent, would make an appropriation.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: ~~yes~~-no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 1043 is added to the Government Code,  
2     to read:  
3     1043. (a) The executive board of the California Health Benefit  
4     Exchange, *as established by Section 100500*, may require, and  
5     may submit to the Department of Justice, fingerprint images and  
6     related information required by the Department of Justice of all  
7     employees, prospective employees, contractors, subcontractors,  
8     volunteers, or vendors for the purposes of obtaining information  
9     as to the existence and content of a record of state or federal  
10    convictions and also information as to the existence and content  
11    of a record of state or federal arrests for which the Department of  
12    Justice establishes that the person is free on bail or on his or her  
13    recognizance pending trial or appeal.  
14    (b) The Department of Justice shall forward to the Federal  
15    Bureau of Investigation requests for federal summary criminal  
16    history information received pursuant to subdivision (a). The  
17    Department of Justice shall review the information returned from  
18    the Federal Bureau of Investigation and compile and disseminate  
19    a response to the board.  
20    (c) The Department of Justice shall provide a state or federal  
21    level response to the board pursuant to paragraph (1) of subdivision  
22    (p) of Section 11105 of the Penal Code.  
23    (d) The board shall request from the Department of Justice  
24    subsequent notification service, as provided pursuant to Section  
25    11105.2 of the Penal Code, for persons listed in subdivision (a).



1 (e) The Department of Justice shall charge a fee sufficient to  
2 cover the cost of processing requests pursuant to this section.

3 SEC. 2. This act is an urgency statute necessary for the  
4 immediate preservation of the public peace, health, or safety within  
5 the meaning of Article IV of the Constitution and shall go into  
6 immediate effect. The facts constituting the necessity are:

7 In order to be operational to begin preenrollment in the fall of  
8 2013, the California Health Benefit Exchange has already begun  
9 the process of recruiting staff for its service center. The California  
10 Health Benefit Exchange will also be contracting with  
11 community-based organizations that will employ in-person  
12 assisters. Fingerprinting and background checks will be needed as  
13 a condition of employment and certification. For these reasons, it  
14 is necessary for this act to take effect immediately.